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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,884	02/27/2002	Alin D'Silva	01-1002	2137

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EXAMINER

TAYLOR, BARRY W

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/083,884

Applicant(s)

D'SILVA ET AL.

Examiner

Barry W Taylor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. Claims 1-9, 11-25 and 27-28 rejected under 35 U.S.C. 103(a) as being unpatentable over Pub. No.: US 2002/0147811 (Schwartz et al hereinafter Schwartz) in view of Milewski et al (6,519,326 hereinafter Milewski).

Regarding claims 1, 11 and 18. Schwartz teaches a system and method for supplying calling party information to a called party via a network comprising a telephone network, a data network, and at least one gateway device connected to both the telephone network and the data network (see figure 2 wherein calling party 14

information supplied to called party 12 via telephone network 24, a data network 22, and at least one gateway device 10 connected to both networks), comprising:

receiving by the gateway device (see 10 figure 2), via the telephone network (see 24 figure 2), signaling information representing a telephone call from the calling party (14 figure 2) to the called party (12 figure 2), the signaling information comprising called party information (see paragraphs 0004, 0025, 0036, 0044, 0046, 0047, 0048, 0049-0053, 0058-0060);

obtaining the calling party (14 figure 2) based on the signaling information; and
providing the calling party (14 figure 2) information to the called party via the data network (22 figure 2 when voice communication proves in not wanted 0025-0026, see figure 2 wherein CTI interface used to pass caller id information from calling party 14 through data network 22 to be presented on called party 12 always on display, see instant messaging tables 1 and 2).

Schwartz fails to teach providing calling party information on a second device associated with the called party (see Applicant's newly amended independent claim language and Applicant's remarks on paper dated 6/25/04, Amendment "A", page 25 lines 6-13).

Milewski teaches a method and apparatus for signaling a called party regarding incoming telephone call (columns 1-2). Milewski invention provides for call-screening from the not only traditional caller id information but also includes many additional kinds of information (col. 2 lines 5-20) enabling for more calls to be answered by called party.

In other words, Milewski sends caller id information to called parties computer (i.e. before call is connected) which gives the called party the opportunity to screen incoming call before deciding to answer incoming calls (col. 3 lines 47-67, col. 4 lines 28-61).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the PC as taught by Schwartz to incorporate call-screening as taught by Milewski for the benefit of notifying the called party via computer that an important incoming call is desired thereby ensuring that important calls get connected.

Regarding claims 2, 12 and 19. Schwartz shows instant message used (see always on display paragraphs 0028 and 0030, see instant messages tables 1 and 2).

Regarding claim 3. Schwartz shows public service telephone network (see 24 figure 2).

Regarding claim 4. Schwartz shows wireless telephone network (see digital cellular network paragraphs 0027-0032, see wireless telephone used in EXAMPLES starting at the bottom of page 5).

Regarding claims 5, 14 and 21. Schwartz shows providing the calling party (14 figure 2) information to the called party (12 figure 2) comprises displaying the calling party information on a display device visible to the called party (see visual display device paragraph 0030, see visual display 16a figure 3).

Regarding claims 6, 13 and 20. Schwartz shows using switch for obtaining calling party information (see figure 2 wherein CTI interface enables switches the ability to obtain and transform received calling party information).

Regarding claims 7, 15 and 22. Schwartz teaches after CTI interface receives and translates (see rejection for claim 6 listed directly above) calling party data enabling for data network (22 figure 2) the ability to receive calling party information in data form before the calling party information is provided to an "always on" display device of the called party (12 figure 2).

Regarding claims 8, 16 and 23. Schwartz teaches instant message used (see always on display paragraphs 0028 and 0030, see instant messages tables 1 and 2).

Regarding claims 9, 17 and 24. Schwartz teaches using the instant message server (see apparatus 20 figure 2) wherein instant message server used to screen incoming calls to called party (12 figure 2, see EXAMPLE 1 starting on page 5 wherein instant message server used to verify and notify the calling party that the called party is currently in a meeting and the called party will call back after the meeting, see paragraphs 0068-0080 wherein instant message server collects calling party information (i.e. 14 figure 2) including name, number and reason for call so to be presented to called party (i.e. 16 figure 2) yielding a brief insightful summary of the inbound communication).

Regarding claims 25, 27 and 28. Milewski shows the second device is data terminal (see called party's first device is telephone (i.e. 160 figure 1) and called party's second device is PC (i.e. item 155 figure 1)).

2. Claims 10 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pub. No.: US 2002/0147811 (Schwartz et al hereinafter Schwartz) in view of Castagna et al (6,442,245 hereinafter Castagna).

Regarding claim 10. Schwartz teaches a system and method for supplying calling party information to a called party via a network comprising a telephone network, a data network, and at least one gateway device connected to both the telephone network and the data network (see figure 2 wherein calling party 14 information supplied to called party 12 via telephone network 24, a data network 22, and at least one gateway device 10 connected to both networks), comprising:

receiving by the gateway device (see 10 figure 2), via the telephone network (see 24 figure 2), signaling information representing a telephone call from the calling party (14 figure 2) to the called party (12 figure 2), the signaling information comprising called party information (see paragraphs 0004, 0025, 0036, 0044, 0046, 0047, 0048, 0049-0053, 0058-0060);

obtaining the calling party (14 figure 2) based on the signaling information; and
providing the calling party (14 figure 2) information to the called party via the data network (22 figure 2 when voice communication proves in not wanted 0025-0026, see figure 2 wherein CTI interface used to pass caller id information from calling party 14 through data network 22 to be presented on called party 12 always on display, see instant messaging tables 1 and 2).

Schwartz fails to teach providing calling party information on a second device associated with the called party (see Applicant's newly amended independent claim language and Applicant's remarks on paper dated 6/25/04, Amendment "A", page 25 lines 6-13).

Castagna teaches a system and method for providing incoming call information to called party (abstract). Castagna discloses using computer (item 18 figure) that is always on to inform called party that incoming call is arriving (col. 2 lines 36-55). Castagna discloses that computer may use address book (col. 2 lines 46-55) to display incoming call information to called party that normally is not sent with standard caller id from telephony connection (item 10 figure 1). In other words, by using Internet connecting allows the user's PC to function like Caller ID box wherein called party screens incoming calls through computer screen and if called party wishes to be connected to the caller simply picks up nearby telephone (see item 14 figure 1). Castagna further teaches in another embodiment, the computer screen pops up a button for subscriber to press when incoming call is arriving thereby allowing called party the ability to screen incoming calls from computer connected to data network (col. 3 lines 29-42).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the PC as taught by Schwartz to display incoming call information on PC as taught by Castagna for the benefit of notifying the called party via computer screen that an incoming call is arriving thereby allowing called party the ability to keep

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working on computer or pick up near by phone if it is determined that incoming call is important.

Regarding claim 26. Castagna further teaches that the second device is a data terminal (see computer 18 figure 1).

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

4. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

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or faxed to:

(703) 872 9314,

(for informal or draft communications, please label "PROPOSED" or "DRAFT")


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor, telephone number (703) 305-4811, who is available Monday-Friday, 6:30am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz, can be reached at (703) 305-4708. The facsimile phone number for this group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (703) 305-4750, the 2600 Customer Service telephone number is (703) 306-0377.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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